

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88A.3, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 61, “Administration of Iowa Code Chapter 88A,” Iowa Administrative Code.

This rule making proposes to amend three rule provisions related to amusement rides and devices. Item 1 would clearly set forth that a fatality related to the operation of an amusement ride or device shall be reported to the Labor Commissioner. Item 2 would allow the owner of an air-supported structure who has been designated to perform annual inspections to also inspect related electrical equipment and would specify that the designation to perform annual inspections is only valid until December 31 of the year of issuance. Item 3 would facilitate electronic payments and more accurately state the Labor Commissioner’s policy on the form of payment for permit and inspection fees.

The purposes of these amendments are to implement legislative intent and protect the public health and safety.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on January 23, 2018, a public hearing will be held on January 25, 2018, at 1:30 p.m. at 150 Des Moines Street, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)725-5615 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than January 25, 2018, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

After analysis and review of this rule making, no adverse impact on jobs is expected.

These amendments are intended to implement Iowa Code chapter 88A.

The following amendments are proposed.

ITEM 1. Amend paragraph **61.3(4)“a”** as follows:

a. The operator shall immediately report by telephone any accident that results in death or medical care beyond first aid.

ITEM 2. Amend paragraph **61.4(1)“a”** as follows:

a. Annual inspection by owner: At the discretion of the commissioner, the owner of an air-supported structure may be designated by the commissioner to perform the annual inspection of the owner’s air-supported structure, and blower, and related electrical equipment. An owner designated pursuant to this paragraph shall perform the inspection according to applicable standards. The owner shall submit in the format required by the commissioner an affidavit attesting to the performance of the inspection, correction of code violations, and other required information. A designation pursuant to this paragraph shall terminate on December 31 of the year of issuance.

ITEM 3. Rescind rule 875—61.8(88A) and adopt the following **new** rule in lieu thereof:

875—61.8(88A) Payments. All fees are nonrefundable. Cash is not accepted. Based on reasonable justification, the commissioner may notify an individual operator that the operator’s check will not be accepted.